Amendment in Response to Office Action dated October 28, 2008

Amendment Date: April 28, 2009

#### Amendments to the Specification:

On page 1, after the title (line 1), please insert the following headings and paragraph:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a national phase filing, under 35 U.S.C. §371(c), of International Application No. PCT/DK03/00371, filed June 6, 2003, the disclosure of which is incorporated herein by reference in its entirety.

# FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT Not Applicable

### BACKGROUND OF THE INVENTION

Please replace the paragraph beginning on page 1, line 3 with the following re-written paragraph:

The present invention relates to the technical field of ice cube bags or equivalent bags or techniques and more particularly to a pre-filled ice cube bag containing freezable material.

Please replace the paragraph beginning on page 1, line 7 with the following re-written paragraph: Numerous ice cube bags are known within this technical field, e.g. from US 3,207,420, US Re. 31.890, US 4,822,180 corresponding to European patent No. 0 264 407, published European patent application No. 0 129 072, international patent application, publication No. WO 87/01183 corresponding to European patent No. 0 248 817, international patent application, publication No. WO 86/04561, international patent application, publication No. WO 92/15491 corresponding to European patent 0 574 49 and published European patent application No. 0 619 948, and Danish patent No. PR-172.066 DK172 066 corresponding to published European patent application No. 0 795 393.

Please replace the paragraph beginning on page 2, line 1 with the following re-written paragraph:

From Danish patent No. PR-172.638 DK 172.638 corresponding to published international patent application, publication No. WO 99/32840 and corresponding to published European patent application No. 0 927 859 and to US Patent 6,322,044, a technique is known for

producing an ice cube bag which is easy to open for the user, the foil layers of the ice cube bags being welded together along the periphery and further connected through individual point-shaped or similar joints serving the purpose of producing a simple opening of the ice cube bag demanding only little strength, the content of the ice cube bag being frozen, as the point-shaped weldings produce a tearing in one of the two foil layers and thereby a perforation for the opening of the ice cube bag to take out the ice cubes contained in the interior of the ice cube bag.

On page 3, after line 3, please insert the following heading:

#### SUMMARY OF THE INVENTION

Please replace the paragraph beginning at page 3, line 12, with the following rewritten paragraph:

Therefore, considerations which the inventor of the present invention has made through several experiments and realisations realizations through quite a long career within this technical field, are at the basis of this object.

Please replace the paragraph beginning at page 4, line 6, with the following rewritten paragraph:

The present invention is based on the realisation realization that the pre-filled ice cube bag is to resist a given pressure when the ice cube bag is filled and, during transportation, is subject to any action that locally is greater than the water column pressure that the actual content of the bag provides. Simultaneously, the inventor has realised realized that a pre-filled ice cube bag is to be filled approximately at a maximum to ensure that the content of the ice cube bag does not, as a result of external influences produces movements of the content during transportation being so strong that these movements produce a tearing of the ice cube bag ensuring at the same time that the ice cube bag is not overfilled and thereby torn or destroyed when being frozen as a consequence of the expansion of the freezable material, i.e. as a result of the expansion of the water during the freezing process. These conditions are complied with when the ice cube bag is elaborated in such a way that it can resist a maximum pressure of no less than 0.5 m water column pressure, preferably 0.5-1m or 1-1.5m or 1.5-2m water column pressure or more, and when the freezable material produces a filling of no less than 80%, but less than 91% of the inner volume of the ice cube bag.

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Please replace the paragraph beginning at page 5, line 27, with the following rewritten paragraph:

In accordance with the realisation realization at the basis of the present invention being that the pre-filled ice cube bag is to resist the effects that the freezable material contained in the pre-filled ice cube bag has on the sheet-shaped foil layers and the joints between these during the transportation, the pre-filled ice cube bag is -compartmentalised compartmentalized. In this context it is preferred that the individual ice cube compartment containing one part of the freezable material constitutes a fairly small volume, so that the freezable material contained within this fairly small volume, determined by the minor weight of the concerned material, only carries out a relatively limited pressure or a relatively limited force application on a limited area of the sheet-shaped foil layers and the joints between these. Consequently, in accordance with this realisation realization the individual ice cube compartment must have a sub-volume that does not exceed 25 cm², preferably not exceeding 20 cm³ or further preferably is of the approximate size of 10 cm².

Please replace the paragraph beginning at page 6, line 8, with the following rewritten paragraph:

The pre-filled ice cube bag according to the present invention can, in accordance with the techniques described in the above mentioned publications, be produced with arbitrary suitable materials, in particular plastic materials and especially polyethylene, preferably LDPE, MDPE or HDPE or another glueable or weldable foil material, preferably plastic or polymer foil material or aluminium aluminum foil material or combinations of such foil materials, including laminated co-extruded polymer materials.

Please replace the paragraph beginning at page 6, line 16, with the following rewritten paragraph:

In accordance with the teachings of the present invention the use of co-extruded polymer materials enables the implementation of the pre-filled ice cube bag when using a multi-ply foil, where the single layers of the multi-ply foil material can comply with different objects, including the production of an acceptable contact material in relation to the contained freezable material, a printing medium which is contained between the inner and the external layer, gas barrier layer or

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water barrier layer established by an inner or external layer, like the selection of e.g. the inner or alternatively the external layer can make the production of a pre-filled ice cube bag with content possible, which bag after filling can be sterilised sterilized by heating it at a temperature above the pasteurization temperature. A combination of plastic or aluminium aluminum foil material also enables the establishment of a construction, in which the aluminium aluminum foil material produces a temperature resistant barrier which enables the above mentioned temperature treatment of the content, i.e. a pasteurization of the content after filling.

Please replace the paragraph beginning at page 9, line 22, with the following rewritten paragraph:

In order to produce an easy and simple withdrawal of the frozen material from the prefilled ice cube bag after freezing the freezable material, tearing perforations, in particular border perforations in one or both of the sheet-shaped foil layers, may be indicated, further or alternatively to the above described blister package or alternatively to the below described complete tearing weldings corresponding to the weldings described in the above mentioned Danish patent PR-172-638 DK 172 638, for the indication and the tearing up of the pre-filled ice cube bag.

Please replace the paragraph beginning at page 10, line 10, with the following rewritten paragraph:

The pre-filled ice cube bag according to the present invention is, in the presently preferred embodiment, implemented in accordance with the tearing technique which is described in the above mentioned Danish patent PR-172-638-DK 172-638, similarly described in published international patent application No. WO 99/32840 corresponding to US Patent 6,322,044 (the disclosure of which is incorporated herein by reference), and in published European patent application No. 0 927-859. Reference is made to these publications regarding the technical advantage obtained by using this tearing technique. Furthermore, it is preferred, as indicated in the following patent claims, that the pre-filled ice cube bag according to the present invention is implemented with a number of those characteristics which are described in the above mentioned Danish patent and the corresponding published international and European patent applications and the aforementioned US patent.

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On page 10, after line 20, please insert the following heading:

BRIFF DESCRIPTION OF THE DRAWINGS

Please replace the paragraph beginning at page 11, line 1, with the following rewritten paragraph:

Fig. 4 is a schematic and perspective view of a second embodiment of the pre-filled ice cube bag according to the present invention containing ice cubes and showing how the ice cube bag by physical manipulation can either be torn or alternatively be converted into a non-empartmentalised compartmentalized bag,

Please replace the paragraph beginning at page 11, line 6, with the following rewritten paragraph:

Fig. 5 is a schematic and perspective view of the second embodiment of the pre-filled ice cube bag according to the present invention shown in Fig. 4, after converting the ice cube bag into a non-compartmentalised compartmentalized bag with ice cubes lying freely in the interior of the bag, as schematically shown in Fig. 4,

On page 11, after line 27, please insert the following heading:

## DETAILED DESCRIPTION OF THE INVENTION

Please replace the paragraph beginning at page 11, line 29, with the following rewritten paragraph:

In Figs. 1 and 2, a first embodiment of a pre-filled ice cube bag according to the present invention is shown as a sectional view from above and in perspective, respectively, containing water, in particular mineral water, in Fig. 1 and containing, in Fig. 2, the mineral water in a frozen condition, i.e. in the configuration of ice cubes. The first embodiment of the pre-filled ice cube bag according to the present invention shown in Fig. 1 is in its entirety indicated by the reference numeral 10 and constitutes per se a modification of the ice cube bag which is shown and described with reference to Fig. 1a and 1b of the drawing in applicant's previous Danish patent PR-172-638 DK 172 638 corresponding to published international patent application WO 99/32840 and European patent application 0 927 859.

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Please replace the paragraph beginning at page 14, line 28, with the following rewritten paragraph:

The point weldings dividing the three above mentioned sub-compartments into a total of 24 ice cube compartments are preferably larger than the point weldings which are described in the above mentioned Danish patent and Danish published international and European patent applications. Thus, the concerned point weldings are preferably of a size corresponding to a diameter of 1.5 mm for the production of a joint between the two foils in the individual point welding. which joining is sufficient in order to resist those influences that the individual point welding is subject to during the transportation and the manipulation, prior to the freezing of the water, due to the water contained within the interior of pre-filled ice cube bag. In Fig. 1, a single point shaped welding is designated the reference numeral 28 and this point welding is, as mentioned above, preferably of a size corresponding to a circle with a diameter of 1.5 mm. In Fig. 1, certain point weldings which are placed with a larger distance and constituting corner areas between the individual ice cube compartments designated the reference numeral 30, and these corner weldings being preferably larger than the point weldings 28 and thus of a size corresponding to a circle with a diameter of 2 mm or even a larger diameter. The reference numeral [[28]] 38 designates an incision at the border of the two foil layers for the indication of a tearing of the prefilled ice cube bag 10.

Please replace the paragraph beginning at page 16, line 4, with the following rewritten paragraph:

Further, figs. 4 and 5 are illustrations of the advantageous possibility of manipulation which is further described in the above mentioned Danish patent PR 172-638 DK 172 638 and correspondingly in the above mentioned published international patent application WO 99/32840 and published European patent application 0 927 859, after which the pre-filled ice cube bag with content can be manipulated for the converting of the bag from a empartmentalised compartmentalized bag with individually packed ice cube bags into a non empartmentalised compartmentalized bag in which a number of individual ice cubes is contained. One of these ice cube bags is designated the reference numeral 40 in Fig. 5.

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Please replace the paragraph beginning at page 17, line 20, with the following rewritten paragraph:

In Fig. 9 is shown a fourth embodiment of the pre-filled ice cube bag according to the present invention. This fourth ice cube bag is designated the reference numeral [[10"]] 10"" in its entirety and elements or components identical to components or elements described previously being identical to components or elements described previously are designated the same reference numerals as described above. Elements or components serving the same purpose as elements or components described above but differing in appearance from these previously described elements or components are designated the same reference numeral as used above, but added the marking "."

Please replace the paragraph beginning at page 17, line 30, with the following rewritten paragraph:

Furthermore, the fourth embodiment shown in Fig. 9 differs from the third embodiment shown above with reference to Fig. 8 in that the rhomboid empartmentalised compartmentalized weldings 28" shown in Fig. 8 are substituted by cross configurated weldings 28" and in that the two foils, from which the pre-filled ice cube bag is welded, is extended beyond the welding 18 constituting two flaps which are welded together constituting a manipulation flap 42 in which an aperture 44 is cut out constituting a handle. The flap 42 can alternatively or in addition be provided with an impression in the form of information, e.g. on the origin of the bag, the tapping time and the durability, conditions concerning the conservation of the bag etc. Such information can, together with the manufacturing company, the logo etc. be welded into the flap 42 or be printed on a separate label which is subsequently attached to the flap 42.

Please replace the paragraph beginning at page 18, line 13, with the following rewritten paragraph:

Although the invention above has been described with reference to the presently preferred embodiments, it is obvious for people skilled in the art that the pre-filled ice cube bag with content of freezable material can be applied to other fields than the production of ice cubes, and similarly other materials, sizes etc. can be indicated by people skilled in the art. It is further to be noticed that the pre-filled ice cube bag can be sold in both frozen condition and in a non-frozen

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condition. In particular, the pre-filled ice cube bag may be produced in accordance with the configurations and geometries shown in Danish patent PR 172-638 DK 172 638 and may further be produced in accordance with the technique shown in Danish patent DK 172 066 PR 172-066. Such obvious modifications are thus to be considered as comprised by the present invention which might also be applied equivalently beyond the specifically indicated applications in the following claims.